D.B. INCOME TAX APPEAL NO.70/2006
(CIT, Ajmer Vs. M/s. B.T. Suitings (P) Ltd.)

Date of order : 14.8.2006

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. K.K. Bissa, for the appellant.

Having heard learned counsel for the appellant, we are satisfied that no question of law much less substantial question of law arises for consideration in this appeal under Section 260-A of the Income Tax Act.

The facts of the case are that assesses's books of accounts were rejected on the ground that in the current year of accounts, the assessee has shown lower GP rate. The assessing officer applied GP rate of 10% and made additions of Rs.7,30,830/-.

The assessing officer has not found any material defects in the books of accounts of assessee and particularly the sale receipts have not been found to be erroneous and accepted by the assessing officer. Considering these facts, the CIT (A) reduced the addition to Rs.30,830/- while resorting to best judgment assessment.

On further appeal by the revenue before the

Income Tax Appellate Tribunal, the order of CIT (A) was upheld.

Making of estimation of income on available material is primarily a matter of inherent guess work and is a question of fact.

We are of the opinion that the Tribunal has rightly dismissed the appeal of the revenue. No question of law has arisen for consideration in this appeal.

The appeal is dismissed in limine.

(GOPAL KRISHAN VYAS), J. (RAJESH BALIA), J.

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